

**United States v. Shacar  
21-cr-30028-MGM  
EXHIBIT “L”**

1 The Honorable John L. Weinberg  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE  
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15 UNITED STATES OF AMERICA, ) CASE NO. MJ21-147  
16 )  
17 Plaintiff, )  
18 ) COMPLAINT for VIOLATION  
19 v. ) 18 U.S.C. § 2252(a)(4)(B), (b)(2)  
20 )  
21 THOMAS S. CLARK, )  
22 )  
23 Defendant. )  
24

25 BEFORE, The Honorable Mary Alice Theiler, United States Magistrate Judge, U.S.  
26 Courthouse, Seattle, Washington.

27 **COUNT 1**

28 **(Possession of Child Pornography)**

29 Between on an unknown date and continuing until on or about March 18, 2020, at  
30 Edmonds, within the Western District of Washington, and elsewhere, THOMAS S.  
31 CLARK knowingly possessed matter that contained visual depictions, the production of  
32 which involved the use of minors engaging in sexually explicit conduct, and the visual  
33 depictions were of such conduct, that had been mailed and shipped and transported in and  
34 affecting interstate and foreign commerce by any means, including by computer, and  
35 which had been produced using materials that had been mailed and shipped and

1 transported in and affecting interstate and foreign commerce by any means, including by  
 2 computer, and the images of child pornography involved include images of a  
 3 prepubescent minor and a minor who had not attained 12 years of age.

4 All in violation of Title 18, United States Code, Section 2252(a)(4)(B), (b)(2).

5  
 6 And the Complainant states that this Complaint is based on the following  
 7 information:

8 I, Reese Berg, being first duly sworn on oath, depose and say:

9                   **I. INTRODUCTION**

10         1. I am an investigative or law enforcement officer of the United States within  
  11 the meaning of Title 18, United States Code, Section 2510(7). I am currently employed  
  12 as a Special Agent with Homeland Security Investigations (HSI). I have been a federal  
  13 law enforcement officer for over 15 years. I have investigated and/or participated in  
  14 investigations involving narcotics smuggling, human trafficking/smuggling, firearms  
  15 trafficking, child pornography, child exploitation, marriage fraud and international  
  16 criminal gangs. I have also held positions in law enforcement as a Military Police Officer  
  17 and Military Police Investigator with the U. S. Army for over 20 years. I am a graduate  
  18 of the 9-week Criminal Investigator Training Program as well as the Immigration and  
  19 Customs Enforcement Special Agent Training program at the Federal Law Enforcement  
  20 Training Center in Glynco, Georgia. I am currently assigned as a Special Agent with HSI  
  21 Seattle, where my duties include child exploitation and child pornography investigations.  
  22 I have participated in more than thirty child exploitation or child pornography  
  23 investigations and have worked extensively with other investigators involved in these  
  24 types of investigations.

25         2. As further detailed below, based on my investigation and the investigation  
  26 of other law enforcement officers, I believe there is probable cause to conclude that  
  27 THOMAS S. CLARK, has committed the offense charged in Count 1 of this Complaint--  
  28

1 namely, possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B),  
 2 (b)(2).

3       3. The facts set forth in this Complaint are based on my own personal  
 4 knowledge; knowledge obtained from other individuals during my participation in this  
 5 investigation, including other law enforcement officers; review of documents and records  
 6 related to this investigation; communications with others who have personal knowledge  
 7 of the events and circumstances described herein; and information gained through my  
 8 training and experience.

9       4. Because this complaint is offered for the limited purpose of establishing  
 10 probable cause, I list only those facts that I believe are necessary to support such a  
 11 finding. I do not purport to list every fact known to me or others as a result of this  
 12 investigation.

## 13                   **II. SUMMARY OF INVESTIGATION**

14       5. In February 2020, HSI Seattle Field Office was advised by the HSI Boston  
 15 Field Office that they had been investigating individuals accessing “dark web” sites and  
 16 forums dedicated to the sexual abuse and exploitation of children. Previously in June of  
 17 2019, a foreign law enforcement agency seized a computer server hosting three “dark  
 18 web” sites operating on the TOR (The Onion Router) Network. Based on information  
 19 obtained through collaborative investigation, one user that connected to what will be  
 20 hereinafter referred to as the “TARGET WEBSITE,” was identified as THOMAS S.  
 21 CLARK of Edmonds, Washington.

22       6. The foreign law enforcement agency described the TARGET WEBSITE as  
 23 having “an explicit focus on the facilitation of sharing child abuse material (images, links  
 24 and videos), emphasis on indecent material of boys.” The foreign law enforcement  
 25 agency stated that “[u]sers were able to view some material without creating an account.  
 26 However, an account was required to post and access all content.”

27       7. HSI was notified by the foreign law enforcement agency that IP Address  
 28 73.35.134.84 accessed the TARGET WEBSITE on April 12, 2019, at 20:19:48 UTC. A

1 query of IP Address 73.35.134.84 revealed it was registered to Comcast Communications  
2 on April 12, 2019.

3       8. According to the foreign law enforcement agency and HSI Special Agent  
4 Greg Squire who observed the TARGET WEBSITE while it was operational, child  
5 pornography images and videos were trafficked through the TARGET WEBSITE via the  
6 posting of web links within forum messages. Links allowed a user to navigate to another  
7 website, such as a file-hosting website, where images and/or videos are stored, in order to  
8 download these images and videos. Entry to the TARGET WEBSITE was obtained  
9 through free registration.

10     9. Accordingly, based on SA McFarland's training and experience and the  
11 information articulated herein, because accessing the TARGET WEBSITE required  
12 numerous affirmative steps by the user – to include downloading Tor software, accessing  
13 the Tor network, finding the web address for TARGET WEBSITE, and then connecting  
14 to TARGET WEBSITE via Tor – it is extremely unlikely that any user could simply  
15 stumble upon the TARGET WEBSITE without understanding its purpose and content.  
16 The TARGET WEBSITE cannot generally be accessed through the traditional internet.  
17 Even after connecting to the Tor Network, a user would have to find the 16 or 56-  
18 character web address of the TARGET WEBSITE to access it. Hidden service websites  
19 on the Tor Network are not “indexed” by search engines such as Google to anywhere  
20 near the same degree as websites that operate on the open Internet.

21     10. On or about September 5, 2019, a summons was issued to Comcast  
22 Communications requesting subscriber information associated with IP address  
23 73.35.134.84 on April 12, 2019, at 20:19:48 UTC, corresponding to the date and time the  
24 TARGET WEBSITE was accessed by a user assigned that IP address.

25     11. On September 6, 2019, Comcast identified the following account holder  
26 and address associated with IP address 73.35.134.84 which corresponds with 9301 244<sup>th</sup>  
27 St. SW, Apt. H103, Edmonds, Washington, hereinafter the SUBJECT PREMISES:

28           Subscriber Name: TOM CLARK

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UNITED STATES ATTORNEY

700 Stewart Street, Suite 5220

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1 Service Address: 9301 244<sup>th</sup> St. SW, Apt H103  
 2 Edmonds, WA 98020-6560

3 12. A search of a public records database that provides names, dates of birth,  
 4 addresses, associates, telephone numbers, email addresses, and other information was  
 5 conducted for 9301 244<sup>th</sup> St. SW, Apt H103, Edmonds, Washington 98020, as well as  
 6 "THOMAS CLARK". These public records indicated that THOMAS STEPHEN  
 7 CLARK's current address is 9301 244<sup>th</sup> St. SW, Apt H103, in Edmonds, Washington (the  
 SUBJECT PREMISES).

8 13. On March 2, 2020, SA McFarland queried Washington State Department of  
 9 Licensing records which revealed THOMAS STEPHEN CLARK was issued a  
 10 Washington State driver license on August 18, 2019 at the SUBJECT PREMISES.

11 14. On March 4, 2020, an HSI analyst obtained THOMAS STEPHEN  
 12 CLARK's Washington State sex offender registry records which revealed THOMAS  
 13 STEPHEN CLARK's address and status was last verified on December 21, 2019, at the  
 14 SUBJECT PREMISES, located at 9301 244th St. SW, Apt. H103, Edmonds, Washington  
 15 98020. I also contacted the Snohomish County Sheriff's Office who verified THOMAS  
 16 CLARK's most recent check-in for the sex offender registry listed the SUBJECT  
 17 PREMISES as his current residence.

18 15. On March 4, 2020, SA McFarland conducted surveillance of the SUBJECT  
 19 PREMISES. The front entrance of THOMAS STEPHEN CLARK's apartment is located  
 20 back from the sidewalk and is in an area where multiple units can be accessed rendering  
 21 it difficult to determine which unit an individual came from. At approximately 8:00 a.m.,  
 22 a male with similar physical characteristics as THOMAS STEPHEN CLARK exited the  
 23 "H" apartments to walk his dog. At approximately 8:10 a.m., the same male returned to  
 24 the "H" apartments with his dog. At approximately 8:35 a.m., the same male with similar  
 25 physical characteristics as THOMAS STEPHEN CLARK exited the "H" apartments and  
 26 got into a tan Subaru Crosstrek bearing Washington license plate number AYK9372 and  
 27 departed the apartment complex. A query of license plate number AYK9372 revealed the  
 28 registered owner is THOMAS STEPHEN CLARK at the SUBJECT PREMISES. Vehicle

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1 records indicate the vehicle was purchased by THOMAS STEPHEN CLARK in 2016  
 2 and the registration was renewed on January 25, 2020, listing the SUBJECT PREMISES.

3       16. On March 2, 2020, SA McFarland queried THOMAS STEPHEN  
 4 CLARK's criminal history which revealed THOMAS STEPHEN CLARK was  
 5 previously convicted on June 2, 2017, of Washington State violations of RCW 9.68A.050  
 6 Dealing in Depictions of Minors Engaged In Sexually Explicit Conduct and RCW  
 7 9.68A.070 Possession of Depictions of Minors Engaged in Sexually Explicit Conduct.  
 8 THOMAS STEPHEN CLARK was sentenced to six months of work release and  
 9 Washington State Department of Corrections (DOC) Supervision which expired on or  
 10 about November 27, 2018.

11       17. The Seattle Office of Homeland Security Investigations was the lead  
 12 agency on THOMAS STEPHEN CLARK's 2016-2017 child pornography prosecution in  
 13 which Special Agent Scott Sutehall received child pornography files from THOMAS  
 14 STEPHEN CLARK via a chat application between August 21, 2016 and August 25,  
 15 2016. At the time, THOMAS STEPHEN CLARK lived alone in his Mercer Island,  
 16 Washington residence. Forensic analysis of THOMAS STEPHEN CLARK's digital  
 17 devices and media following the execution of the 2016 residential search warrant yielded  
 18 approximately 650 child pornography files. During his interview, THOMAS STEPHEN  
 19 CLARK admitted to possessing child pornography and receiving and distributing child  
 20 pornography via the chat application from his Apple iPhone. THOMAS STEPHEN  
 21 CLARK also confessed to having a sexual interest in minor male children ages 13–15  
 22 years old.

23       18. On March 13, 2020, HSI SA McFarland requested and was granted a  
 24 federal search warrant (MJ20-124) for the search of 9301 244<sup>th</sup> St. SW, Apt. H103 in  
 25 Edmonds, Washington, and the person of THOMAS S. CLARK.

26       19. On March 18, 2020, a HSI Seattle executed the search warrant at 9301  
 27 244<sup>th</sup> St. SW, Apt. H103 in Edmonds, Washington. THOMAS S. CLARK was  
 28 encountered inside the residence and was the sole occupant. Pursuant to the search

1 warrant, agents seized two (2) Apple iPhones; a Microsoft Surface GO model 1824; a  
 2 Microsoft Surface Pro Laptop model 1796; and a SanDisk MicroSD card.

3       20. During the forensic examination of the listed devices, HSI SA McFarland  
 4 identified two (2) video files depicting child pornography. They were found on evidence  
 5 item #001 - Apple iPhone 8 Plus, and #002 – Apple iPhone 8 Plus. Although the files  
 6 were found on separate devices, they were determined to be duplicate videos.

7       21. I reviewed the video file described above on the Apple iPhones and  
 8 determined is titled “**Beef Tacos.wmv**”. The video is approximately 29 seconds in  
 9 length and depicts a male child that appears to be 2-4 years old, lying on his back. What  
 10 appears to be an adult male left hand is masturbating the penis of the child. The focus of  
 11 the video is on the child’s genitals. The child is wearing a blue shirt but is exposed at the  
 12 groin and thighs. I estimated the age of the child based on body size, minimal muscle  
 13 development and lack of pubic hair

14       22. I further reviewed the forensic image of the devices and determined there  
 15 were 472 image files and one (1) video file of child pornography on evidence line item  
 16 #003 – Microsoft Surface GO. I have described two (2) of the image files from that  
 17 device below.

18       23. Image file **2d86678990105a06.jpg** is an image that depicts a male child  
 19 that appears to be approximately 3-4 years old, lying on his back on a red sheet with his  
 20 genitals and anus toward the camera. What appears to be an adult male’s left hand is  
 21 pushing a purple phallic device into the child’s anus. The focus of the image is on the  
 22 child’s genitals and anus. I estimated the age of the child based on body size, minimal of  
 23 muscle development and lack of pubic hair.

24       24. Image file **3b3120df3f8128db.jpg** is an image that depicts a nude newborn  
 25 child that appears to be less than a year old, lying face down on a striped blanket. The  
 26 index finger of what appears to be the right hand of an adult male is penetrating the  
 27 child’s anus. The focus of the image is on the child’s anus. I estimated the age of the

1 child based on body size, minimal muscle and skeletal development, lack of pubic hair  
2 and an overall newborn child body appearance

3        25. Computer Forensic Agent (CFA) Heng found numerous “keyword”  
4 artifacts that were indicative of child sexual abuse material. These artifacts were  
5 associated with the Opera web browser that indicate the Opera web browser was used to  
6 search for specific terms. The search terms found included: “boys town onion dark web”  
7 and “hurtcore”. Based on my training and experience, I believe that “boys town onion  
8 dark web” likely indicates a search for young boys sites related to The Onion Router  
9 (TOR), and “hurtcore” is a term associated with extreme pornography, usually involving  
10 degrading violence and child sexual abuse material. The Onion Router is also referred to  
11 as the “TOR Network”, which a computer network available to Internet users that is  
12 designed specifically to facilitate anonymous communication over the Internet. The TOR  
13 network attempt to do this by routing TOR user communications through a globally  
14 distributed network of relay computers, along a randomly assigned path known as a  
15 “circuit.”

### III. CONCLUSION

18       26. Based on the above facts, I believe that there is probable cause to conclude  
19 that THOMAS S. CLARK committed the offenses charged in this Complaint.

REESE BERG, Complainant,  
Special Agent  
Department of Homeland Security  
Homeland Security Investigations

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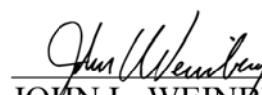
1       Based on the above-named Complainant having provided a sworn statement  
2 attesting to the truth of the foregoing Affidavit, the Court hereby finds that there is  
3 probable cause to believe the Defendant committed the offenses set forth in the  
4 Complaint.

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6       DATED this 11th day of March, 2021.

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JOHN L. WEINBERG  
United States Magistrate Judge

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